

## Article - Public Utilities

[\[Previous\]](#)[\[Next\]](#)

§25–212.

(a) Except as provided for the Housing Opportunities Commission of Montgomery County under § 25–204(d)(2) of this subtitle, when the State or a county or municipality, or a unit of the State or a county, acquires property for public use that is subject to a benefit charge imposed under this subtitle, the benefit charge shall be paid and extinguished by payment to the Commission of a sum calculated in accordance with § 25–211 of this subtitle.

(b) When property is acquired without eminent domain, the Commission shall be paid the amount necessary to extinguish the benefit charge before the deed evidencing the transfer may be recorded in the land records of the county in which the property is located.

(c) When property is acquired by eminent domain:

(1) the Commission shall be named a party to the eminent domain proceedings and the jury shall make a separate award to the Commission of the amount necessary to extinguish the benefit charge; or

(2) the condemning authority shall pay the Commission the amount necessary to extinguish the benefit charge at the same time the condemning authority pays the amount awarded to the property owner if:

(i) by oversight or mistake, the Commission is not named a party to the proceedings; or

(ii) the jury's inquisition does not specify a separate award for the amount necessary to pay the benefit charge.

(d) If the Housing Opportunities Commission of Montgomery County allows a benefit charge to become delinquent:

(1) by the first month of the next fiscal year, the Montgomery County Council shall authorize and appropriate sufficient funds to pay the delinquent benefit charge and all penalties and interest on the charge; and

(2) the Montgomery County Executive shall pay the appropriated funds to the Commission promptly.

[\[Previous\]](#)[\[Next\]](#)